

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 NANCY M. CHAPMAN,

4 Plaintiff

5 v.

6 MARIE CALLENDER PIE SHOPS, LLC,

7 Defendant

Case No.: 2:18-cv-02246-APG-PAL

Order Remanding Case to State Court

9 Defendant Marie Callender Pie Shops, LLC removed this action on the basis of diversity
10 jurisdiction. Because the notice of removal did not identify the citizenship of the members of
11 defendant Marie Callender, I ordered it to show cause why this action should not be remanded
12 for lack of subject matter jurisdiction. ECF No. 7. Marie Callender responded by listing all of its
13 members, who are also limited liability companies or partnerships and some corporations. But
14 Marie Callender does not identify the citizenship of the limited liability company or partnership
15 members. *See Johnson v. Columbia Properties Anchorage, LP*, 437 F.3d 894, 899 (9th Cir.
16 2006) (stating that “an LLC is a citizen of every state of which its owners/members are
17 citizens”). Additionally, Marie Callender does not identify where the corporations are
18 incorporated and have their principal place of business. *See* 28 U.S.C. § 1332(c)(1). As the party
19 seeking to invoke this court’s jurisdiction, the defendant bears the burden of establishing
20 jurisdiction exists. *See Naffe v. Frey*, 789 F.3d 1030, 1040 (9th Cir. 2015). Despite being given
21 the chance, Marie Callender has not done so.

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1 IT IS THEREFORE ORDERED that this case is remanded to the state court from which
2 it was removed. The plaintiff's motion to remand (**ECF No. 3**) is **denied as moot**. The clerk of
3 the court shall close the file.

4 DATED this 21st day of December, 2018.

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7 ANDREW P. GORDON
8 UNITED STATES DISTRICT JUDGE
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